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FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER
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SCHMIDT, KARI L

ART UNIT	PAPER NUMBER
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2139

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01/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/758,024

Applicant(s)

VIGER ET AL.

Examiner

Kari L. Schmidt

Art Unit

2139

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-52, 54, 56, 58 and 60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-52, 54, 56, 58 and 60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Notice to Applicant***

This communication is in response to the amendment filed on 10/26/2007.

Claims 1-52, 54, 56, 58, 60 remain pending. Claims 1-7, 9-52, 54, 56, 58 and 60 have been amended. Claims 53, 55, 57 and 59 have been canceled.

### ***Response to Arguments***

Applicant's arguments, filed 10/26/2007, with respect to the rejections of claims 1-60 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kobata, Rusnak and Zweben et al.

### ***Specification***

The abstract objection has been withdrawn.

### ***Claim Objections***

The claim objection for claims 52-59 under 37 CFR 1.75(c) have been withdrawn.

### ***Claim Rejections - 35 USC § 112***

The 35 U.S.C. 112, second paragraph rejections for claims 8-9 have been withdrawn.

***Claim Rejections - 35 USC § 101***

The 35 U.S.C. 101 rejections for claims 52-59 have been withdrawn.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-6, 8, 11, 27, 29-32, 34, 52, 54, and 60 are rejected under 35

U.S.C. 102(e) as being anticipated by Rusnak et al. (US 6,098,056)

Claims 1, 27, and 52

Rusnak et al. teaches a method of transferring at least one digital signal representing media content data in a communication network (see at least, col. 2, lines 60-61) the network comprising a client server device connected to at least one client station, and at least one destination server device connected to at least one destination station (see at least, col. 3, lines 8-47) wherein, when the client station receives a request to transfer a digital signal intended for the at least one destination station (see at least, col. 3, lines 8-47), the client server device: obtains a first encryption key further to the transfer request (see at least, col. 3, lines 8-47: the TIH public/private key); obtains the digital signal;

encodes said digital signal with the first encryption key obtained (see at least, col. 3, lines 8-47: server encrypts the newly encrypted DEK with the TIH's public key); encodes the first encryption key with a second encryption key associated with the destination server device connected to the corresponding destination station (see at least, col. 3, lines 8-47: encrypts the decrypted key with the client's public key); transfers the encoded digital signal to said destination server device (see at least, col. 3, lines 8-47: returns the doubly encrypted DEK to the client); transfers the encoded first encryption key to said destination server device (see at least, col. 3, lines 8-47: the client decrypts the DEK with the client's public key and passes it along to the TIH).

#### Claims 3 and 29

Rusnak et al. the method according to Claim 1, wherein the said digital signal is stored in advance on the client server (see at least, col. 3, lines 8-47: the client access the server to acquire the digital content).

#### Claims 4 and 30

Rusnak et al. teaches the method according to Claim 1, wherein the transfer of the encoded signal to the said destination station is made by means of a centralized server device connected to the network (see at least, col. 3, lines 8-47).

Claims 5 and 31

Rusnak et al. teaches the method according to Claim 1, wherein the first key is a secret key and the second key is a public key associated with the destination server device (see at least, col. 3, lines 8-47: The TIH public/private key is the secret key and the clients public key is the public key).

Claims 6 and 32

Rusnak et al. teaches the method according to Claim 5, wherein the public key is obtained by reading a storage means of the client server device or by generating a request on the communication network to the centralized server device or the destination server device (see at least, col. 3, lines 8-47).

Claims 8, 34, and 54

Rusnak et al. teaches a method of transferring at least one first digital signal representing media content data and which has been encoded using a first encryption key (see at least, col. 3, lines 8-47), in a communication network, the network comprising a client server device, and at least one destination server device connected to at least one destination station (see at least, col. 3, lines 8-47), wherein, when the client server device transfers the at least one digital signal encoded with the first encryption key to the at least one destination server device connected to the at least one destination terminal (see at least, col. 3, lines 8-47: returns the doubly encrypted DEK to the client), the destination server device: stores the signal transmitted by the

client server device (see at least, col. 3, lines 8-47); obtains the first encryption key by decoding, by means of a second key, a message received from the client server device (see at least, col. 3, lines 8-47 and col. 6, lines 46-54: the client decrypts the DEK with its private key), decodes the stored digital signal by means of the first encryption key (see at least, col. 3, lines 8-47 and col. 6, lines 46-54: the client passes to the handler with decrypts the DEK with its private key), and transfers at least one second decoded digital signal representing a sub-part of the first digital signal representing media content data to at least one destination station (see at least, col. 3, lines 8-47 and col. 6, lines 46-54: the digital content can be made available to the client).

#### Claims 11 and 60

Rusnak et al. teaches the method according to Claim 8, wherein, on reception of a request to transfer the signal transmitted by the client server device to another destination station not associated with the destination server device, the destination server device obtains a third key associated with the destination server device associated with the other destination station, encodes the first key with the third key and transfers the first digital signal encoded with the first key and the first key encoded with the third key (see at least, col. 3, lines 8-47: the examiner notes that a different destination device would require a different key (e.g. third key)).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 7, 12-27, 33, 37-44, and 56 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rusnak et al. (US 6,098,056) in view of Kobata et al. (US 2002/0077985 A1).

**Claims 2 and 28**

Rusnak et al. fails to teach wherein the client server device also determines, from the transfer request, whether information representing at least one restriction on use by a destination station exists and, if so, encodes the information representing at least one restriction with the second key associated with the destination server device of the corresponding destination station and transfers the encoded information to the destination server device.

However Kobata et al. teaches wherein the client server device also determines, from the transfer request, whether information representing at least one restriction on use by a destination station exists and, if so, encodes the information representing at least one restriction with the second key associated with the destination server device of the corresponding destination station and transfers the encoded information to the



destination server device (see at least, abstract, [0011]-[0014]: the examiner notes secured transmission and delivery of digital assets with rights for a particular digital assets being provided to the user and FIG. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rusnak et al. to include wherein the information representing at least one restriction on use by a destination station exists and, if so, encodes the information representing at least one restriction with the destination server device of the corresponding destination station and transfers the encoded information to the destination server device as taught by Kobata et al. One of ordinary skill in the art would have been motivated to combine the teachings in order to allow for the digital content create to maintain and enforce rings over the digital content (see at least, Kobata et al., [0010]).

#### Claims 7 and 33

Rusnak et al. fails to teach wherein the information representing at least one restriction forms part of the group of restrictions on the duration of authorization for the display of the at least one digital signal by the destination station, the storage of the at least one digital signal by the destination station and the printing of the at least one digital signal by the destination station.

However Kobata et al. teaches wherein the information representing at least one restriction forms part of the group of restrictions on the duration of authorization for the display of the at least one digital signal by the destination station, the storage of the at

least one digital signal by the destination station and the printing of the at least one digital signal by the destination station (see at least, abstract, [0011]-[0014]: the examiner notes lifetime control).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rusnak et al. to include wherein the information representing at least one restriction forms part of the group of restrictions on the duration of authorization for the display of the at least one digital signal by the destination station, the storage of the at least one digital signal by the destination station and the printing of the at least one digital signal by the destination stations as taught by Kobata et al. One of ordinary skill in the art would have been motivated to combine the teachings in order to allow for the digital content create to maintain and enforce rings over the digital content (see at least, Kobata et al., [0010]).

Claims 12, 13, 15, 19, 37-38, 40, 44, and 56

Rusnak et al. teaches the method for the transfer of at least one digital signal representing media content data in a communication network between a client module and at least one destination module, the modules being connected to the network, wherein it receives a request to transfer the digital signal to at least one destination module, the client module: obtains the digital signal obtains a first encryption key (see at least, col. 3, lines 8-47: the TIH public/private key); encodes the digital signal with the first encryption key (see at least, col. 3, lines 8-47: server encrypts the newly encrypted DEK with the TIH's public key); encodes the first encryption key with a second

encryption key associated with destination module (see at least, col. 3, lines 8-47: encrypts the decrypted key with the client's public key); transfers the encoded digital signal to the destination module; and transfers the first encryption key encoded with the second encryption key to the destination module (see at least, col. 3, lines 8-47: the client decrypts the DEK with the client's public key and passes it along to the TIH).

Rusnak et al. fails to teach information for the restriction on the use of the digital signal by the destination module, for which the digital signal is intended to be sent; and the usage restriction information being sent with the content.

However Kobata et al. teaches information for the restriction on the use of the digital signal by the destination module, for which the digital signal is intended to be sent; and the usage restriction information being sent with the content (see at least, abstract, [0011]-[0014]: the examiner notes secured transmission and delivery of digital assets with rights for a particular digital assets being provided to the user and FIG. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rusnak et al. to include information for the restriction on the use of the digital signal by the destination module, for which the digital signal is intended to be sent; and the usage restriction information being sent with the content as taught by Kobata et al. One of ordinary skill in the art would have been motivated to combine the teachings in order to allow for the digital content create to maintain and enforce rings over the digital content (see at least, Kobata et al., [0010]).

Claims 14, 39

Rusnak et al. teaches the method for the transfer of at least one digital signal according to Claim 13, wherein the second encryption key is associated with the destination server (see at least, col. 3, lines 8-47: encrypts the decrypted key with the client's public key).

Claims 16, 24, 25, 41, 49 and 50

Rusnak et al fails to teach a method for the transfer of at least one digital signal according to Claim 12, wherein the use restriction information comprises the specification of rights for copying or storing or reproducing or printing the at least one digital signal, the time validity of said rights, the specification of the resolution under which the digital signal should be accessed.

However Kobata et al. teaches wherein the use restriction information comprises the specification of rights for copying or storing or reproducing or printing the at least one digital signal, the time validity of said rights, the specification of the resolution under which the digital signal should be accessed (see at least, abstract, [0011]-[0014]: the examiner notes secured transmission and delivery of digital assets with rights for a particular digital assets being provided to the user and FIG. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rusnak et al. to include wherein the use restriction information comprises the specification of rights for copying or storing or reproducing or printing the at least one digital signal, the time validity of said rights, the specification of the resolution under which the digital signal should be accessed as

taught by Kobata et al. One of ordinary skill in the art would have been motivated to combine the teachings in order to allow for the digital content create to maintain and enforce rings over the digital content (see at least, Kobata et al., [0010]).

Claims 17 and 42

Rusnak et al. teaches the method for the transfer of at least one digital signal according to Claim 12, wherein the first key is a secret key, and the second key is a public key associated with the destination module (see at least, col. 3, lines 8-47: The TIH public/private key is the secret key and the clients public key is the public key).

Claims 18, 43

Rusnak et al. teaches the method for the transfer of at least one digital signal according to Claim 17, wherein the public key is obtained by reading by reading storage means of the client module or by generating a request on the communication network to a centralized server or to the destination module (see at least, col. 3, lines 8-47).

Claims 20, 21, 45, 46, and 58

Rusnak et al. teaches a method for the transfer of at least one first digital signal representing digital media content data and which has been encoded using a first encryption key (see at least, col. 3, lines 8-47), in a communication network between a client module and at least one destination module, the modules being connected to the network, wherein, when the client module transfers the encoded first digital signal to the

destination module (see at least, col. 3, lines 8-47), the destination module: stores the first digital signal encoded with the first key (see at least, col. 3, lines 8-47); obtains the first key, by decoding a message transmitted by the client module, with a second key associated with the destination module (see at least, col. 3, lines 8-47 and col. 6, lines 46-54: the client decrypts the DEK with its private key); decodes the stored first digital signal with the first key, into a second digital signal representing at least part of the first digital signal module (see at least, col. 3, lines 8-47 and col. 6, lines 46-54: the client passes to the handler with decrypts the DEK with its private key and the digital content can be made available to the client)

Rusnak et al. fails to teach transmitting the information for the restriction on the use of the digital signal to the destination module and taking into account at least part of the use restriction information within the digital signal.

However Kobata et al. teaches transmitting the information for the restriction on the use of the digital signal to the destination module and taking into account at least part of the use restriction information within the digital signal (see at least, abstract, [0011]-[0014]: the examiner notes secured transmission and delivery of digital assets with rights for a particular digital assets being provided to the user and FIG. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rusnak et al. to include transmitting the information for the restriction on the use of the digital signal to the destination module and taking into account at least part of the use restriction information within the digital signal as taught by Kobata et al. One of ordinary skill in the art would have been

motivated to combine the teachings in order to allow for the digital content create to maintain and enforce rings over the digital content (see at least, Kobata et al., [0010]).

Claims 22 and 47

Rusnak et al. teaches the method for the transfer of at least one digital signal according to Claim 21, wherein at least part of the second digital signal is transferred to at least one of the destination stations (see at least, col. 3, lines 8-47).

Claims 23 and 48

Rusnak et al. teaches the method for the transfer of at least one digital signal according to Claim 21, wherein the second key is associated with the destination server (see at least, col. 3, lines 8-47).

Claims 26 and 51

Rusnak et al. teaches the method for the transfer of at least one digital signal according to Claim 20, wherein upon reception of a request to transfer the first digital signal encoded with the first key to at least one second destination module, the destination module: obtains a third key associated with the at least one second destination module; encodes the first key and information for the restriction on the use of the at least one second destination module, with the third key; transfers the first digital signal encoded with the first key to the destination module; transfers the first key and use restriction information encoded with the third key to the at least one second destination module

(see at least, col. 3, lines 8-47: the examiner notes that a different destination device would require a different key (e.g. third key)).

Claims 9, 10, 35, and 36 rejected under 35 U.S.C. 103(a) as being unpatentable over Rusnak et al. (US 6,098,056) in view of Kobata et al. (US 2002/0077985 A1) and Zweben et al. (US 2003/0229508 A1).

Claims 9 and 35

Rusnak et al. fails to teach wherein the first digital signal representing media content data is at a first resolution and in that the destination server device also determines the whether information representing at least one restriction associated with at least one destination station has been transferred by the client server device and, if so, generates the second decoded digital signal at a resolution lower than the first resolution of the first digital signal representing media content data.

However Kobata et al. teaches restriction on digital signals (see at least, abstract, [0011]-[0014]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rusnak et al. to include restrictions on digital signals as taught by Kobata et al. One of ordinary skill in the art would have been motivated to combine the teachings in order to allow for the digital content create to maintain and enforce rings over the digital content (see at least, Kobata et al., [0010]).



Rusnak et al. and Kobata et al. fails to teach a first digital signal representing media content data is at a first resolution and in that the destination server device also determines the whether information representing the second decoded digital signal at a resolution lower than the first resolution of the first digital signal representing media content data.

However Zweben et al. teaches a first digital signal representing media content data is at a first resolution and in that the destination server device also determines the whether information representing the second decoded digital signal at a resolution lower than the first resolution of the first digital signal representing media content data (see at least, [0049]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rusnak et al. and Kobata et al. to include r a first digital signal representing media content data is at a first resolution and in that the destination server device also determines the whether information representing the second decoded digital signal at a resolution lower than the first resolution of the first digital signal representing media content data as taught by Zweben et al. . One of ordinary skill in the art would have been motivated to combine the teachings in order to reduce processing capabilities of the thin computing device for the digital signal content (see at least, Kobata et al., [0010]).

Claims 10 and 36

Rusnak fails to teach wherein the destination server device also determines whether information representing the at least one restriction has been transferred by the client server device and, in the negative, the destination server device transfers the second digital signal representing the whole of the first digital signal.

However Kobata et al. teaches wherein the destination server device also determines whether information representing the at least one restriction has been transferred by the client server device and, in the negative, the destination server device transfers the second digital signal representing the whole of the first digital signal (see at least, [0078]-[0079]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Rusnak et al. to include wherein the destination server device also determines whether information representing the at least one restriction has been transferred by the client server device and, in the negative, the destination server device transfers the second digital signal representing the whole of the first digital signal as taught by Kobata et al. One of ordinary skill in the art would have been motivated to combine the teachings in order to allow for the digital content create to maintain and enforce rings over the digital content (see at least, Kobata et al., [0010]).

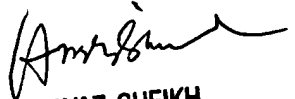
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kari L. Schmidt whose telephone number is 571-270-1385. The examiner can normally be reached on Monday - Friday: 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KS

  
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